

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 314

Introduced by Speaker Flood, 19; at the request of the Governor.

Read first time January 15, 2009

Committee: Appropriations

A BILL

1 FOR AN ACT relating to appropriations; to define terms; to
2 appropriate funds for capital construction and property
3 acquisition as prescribed; to state intent; to require
4 program statements; to provide an operative date; and to
5 declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. DEFINITION OF APPROPRIATION PERIOD.

2 For purposes of this act and any other legislative bill
3 passed by the One Hundred First Legislature, First or Second
4 Session, which appropriates funds, FY2008-09 means the period July
5 1, 2008, through June 30, 2009, FY2009-10 means the period July 1,
6 2009, through June 30, 2010, FY2010-11 means the period July 1,
7 2010, through June 30, 2011, FY2011-12 means the period July 1,
8 2011, through June 30, 2012, and FY2012-13 means the period July 1,
9 2012, through June 30, 2013.

10 Sec. 2. APPROPRIATION LANGUAGE.

11 There are hereby appropriated, for FY2009-10 and
12 FY2010-11, the sums set forth in this act to each agency for
13 each program from the respective funds for capital construction
14 projects, land acquisition, lease-purchase arrangements, and major
15 equipment acquisition, except as otherwise appropriated.

16 Sec. 3. REAPPROPRIATION OF BALANCE, FY2009-10 to
17 FY2010-11.

18 In addition to the appropriations set forth in this
19 act, there are hereby reappropriated all unexpended appropriation
20 balances existing on June 30, 2010, for FY2010-11 to the respective
21 agencies, programs, and funds listed in this act, except as
22 otherwise provided in this act.

23 Sec. 4. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

24 The definitions contained in the Nebraska Accounting
25 System Manual, and any amendments thereto, on file with the Clerk

1 of the Legislature are hereby adopted by the Legislature as the
2 definitions for this act.

3 Sec. 5. DRAWING AND PAYING WARRANTS.

4 The Director of Administrative Services shall draw
5 warrants upon the proper fund in the state treasury for an amount
6 not to exceed the appropriations set forth in this act upon
7 presentation of proper documentation. The State Treasurer shall pay
8 the warrants out of the appropriate funds.

9 Sec. 6. It is the intent of the Legislature that
10 the appropriations for capital facilities follow an orderly and
11 reasonable process based upon defined and documented need and an
12 analysis of the utilization of existing facilities.

13 The biennial appropriations contained in this act
14 covering FY2009-10 and FY2010-11, which have been designated for
15 planning, require from the agency a complete program statement
16 prepared in accordance with the Procedural Manual for Capital
17 Construction as approved by the state building division of
18 the Department of Administrative Services. Projects directly
19 related to program continuation such as fire and life safety,
20 maintenance, utility improvements, handicapped access, and master
21 planning require a statement of needs prepared in accordance with
22 the manual. An appropriation for drawings and construction may
23 be recommended only after submission of an acceptable program
24 statement or statement of needs on or before September 15 to the
25 state building division, the budget division of the Department of

1 Administrative Services, and the Legislative Fiscal Analyst.

2 Program statements that have been submitted prior to
3 FY2009-10 shall be updated if necessary and resubmitted during
4 the period July 1, 2009, to September 1, 2009. Program statements
5 that have been submitted prior to FY2010-11 shall be updated
6 if necessary and resubmitted during the period July 1, 2010, to
7 September 1, 2010, by agency priority. Such priority shall be
8 subject to final modification by the governing authority of each
9 agency on or before September 15, 2010.

10 Sec. 7. It is the intent of the Legislature that agencies
11 should construct or renovate facilities in such a manner as
12 to provide the greatest cost-effective energy savings possible.
13 Design criteria emphasizing efficiency, functionality, and energy
14 conservation shall be reflected in program statements, schematic
15 design documents, design development documents, and construction
16 documents. The state building division of the Department of
17 Administrative Services and the State Energy Office shall provide
18 technical assistance to the state agencies, upon request, to assist
19 them in providing for energy-efficient new or renovated facilities.

20 Sec. 8. AGENCY NO. 33 - GAME AND PARKS COMMISSION

21 Program No. 900 - State Park System Facility Improvements

	FY2009-10	FY2010-11	FUTURE
22 CASH FUND	125,000	125,000	-0-
23 PROGRAM TOTAL	125,000	125,000	-0-

25 The Game and Parks Commission is hereby authorized to

1 maintain and improve basic facilities of the state park system.
 2 There is included in the appropriation to this program for
 3 FY2009-10 \$50,000 cash funds and for FY2010-11 \$50,000 cash funds
 4 for this purpose.

5 The Game and Parks Commission is hereby authorized to
 6 develop new, maintain, and improve boating facilities. There is
 7 included in the appropriation to this program for FY2009-10 \$75,000
 8 cash funds and for FY2010-11 \$75,000 cash funds for this purpose.

9 Sec. 9. AGENCY NO. 33 - GAME AND PARKS COMMISSION

10 Program No. 901 - State Parks Facilities Deferred
 11 Maintenance

	FY2009-10	FY2010-11	FUTURE
12 CASH FUND	300,000	300,000	-0-
14 PROGRAM TOTAL	300,000	300,000	-0-

15 The Game and Parks Commission is hereby authorized to
 16 make deferred repairs and maintenance improvements at facilities in
 17 the state park system and replace and upgrade facilities in the
 18 state park system with the appropriation to this program.

19 Sec. 10. AGENCY NO. 33 - GAME AND PARKS COMMISSION

20 Program No. 924 - Wildlife Land Acquisition and
 21 Improvements

	FY2009-10	FY2010-11	FUTURE
22 CASH FUND	200,000	200,000	-0-
24 PROGRAM TOTAL	200,000	200,000	-0-

25 The Game and Parks Commission is hereby authorized to

1 acquire and develop wildlife lands and waters statewide with the
2 appropriation to this program.

3 Sec. 11. AGENCY NO. 33 - GAME AND PARKS COMMISSION

4 Program No. 967 - Improvements to State Parks

	FY2009-10	FY2010-11	FUTURE
5 CASH FUND	850,500	472,500	-0-
6 PROGRAM TOTAL	850,500	472,500	-0-

8 The Game and Parks Commission is hereby authorized to
9 make state parks improvements statewide with the appropriation to
10 this program.

11 It is intended that the following projects be undertaken
12 with funds appropriated to this program for FY2009-10:

13 Repair and Update Sewage Facility to Lodging Facilities -
14 Ponca State Park

15 Heating, Ventilative, and Air-condition Lodge - Fort
16 Robinson

17 Update and renovate 16 cabins - Mahoney State Park

18 Upgrade and Repair Swimming Pool - Chadron State Park

19 Upgrade and renovate cabins - Platte River State Park

20 Major State Park Contingency for cost overruns in Program
21 967

22 It is intended that the following projects be undertaken
23 with the funds appropriated to this program for FY2010-11:

24 Update and renovate 16 cabins - Mahoney State Park

25 Utilities upgrade and new water tower - Ponca State Park

1 Major State Park Contingency for cost overruns in Program

2 967

3 Sec. 12. AGENCY NO. 33 - GAME AND PARKS COMMISSION

4 Program No. 969 - Improvements to State Recreation Areas

	FY2009-10	FY2010-11	FUTURE
6 CASH FUND	246,750	94,500	-0-
7 PROGRAM TOTAL	246,750	94,500	-0-

8 The Game and Parks Commission is hereby authorized
9 to make state recreation area improvements statewide with the
10 appropriation to this program.

11 It is intended that the following projects be undertaken
12 with funds appropriated to this program for FY2009-10:

- 13 Contingency-Rec Areas - Statewide
- 14 Interpretive Displays - Lake McConaughy State Recreation
15 Area
- 16 Maintenance Shop Upgrade - Pawnee Lake State Recreation
17 Area
- 18 Water Treatment Plant Replacement - Rock Creek Station
19 State Recreation Area

20 It is intended that the following projects be undertaken
21 with funds appropriated to this program for FY2010-11:

- 22 Contingency-Rec Areas - Statewide
- 23 Addition to Visitor Center - Wildcat Hills State
24 Recreation Area
- 25 Service Hook-ups to Electrical Pads - Willow Creek State

1 Recreation Area

2 Sec. 13. AGENCY NO. 33 - GAME AND PARKS COMMISSION

3 Program No. 971 - Improvements to Special Use Areas
4 (Wildlife Management Areas)

	FY2009-10	FY2010-11	FUTURE
6 CASH FUND	325,000	325,000	-0-
7 PROGRAM TOTAL	325,000	325,000	-0-

8 The Game and Parks Commission is hereby authorized
9 to make improvements statewide to basic facilities at wildlife
10 management areas.

11 Sec. 14. AGENCY NO. 33 - GAME AND PARKS COMMISSION

12 Program No. 972 - Improvements to Administrative
13 Facilities

	FY2009-10	FY2010-11	FUTURE
15 CASH FUND	75,000	75,000	-0-
16 PROGRAM TOTAL	75,000	75,000	-0-

17 The Game and Parks Commission is hereby authorized to
18 make general improvements and repairs to district offices.

19 Sec. 15. AGENCY NO. 33 - GAME AND PARKS COMMISSION

20 Program No. 973 - Improvements to Fish Production
21 Facilities

	FY2009-10	FY2010-11	FUTURE
23 CASH FUND	1,000,000	1,000,000	-0-
24 PROGRAM TOTAL	1,000,000	1,000,000	-0-

25 The Game and Parks Commission is hereby authorized to

1 make fisheries improvements statewide, such as improvements to
2 hatcheries and the acquisition and development of fishing access
3 facilities, with the appropriation to this program.

4 Sec. 16. AGENCY NO. 33 - GAME AND PARKS COMMISSION

5 Program No. 975 - Emergency Repairs to State Park System
6 Areas

	FY2009-10	FY2010-11	FUTURE
8 CASH FUND	75,000	75,000	-0-
9 PROGRAM TOTAL	75,000	75,000	-0-

10 The Game and Parks Commission is hereby authorized to
11 make emergency repairs statewide to facilities in the state park
12 system with the appropriation to this program.

13 Sec. 17. AGENCY NO. 33 - GAME AND PARKS COMMISSION

14 Program No. 976 - Emergency Repairs - Fish and Wildlife
15 Facilities

	FY2009-10	FY2010-11	FUTURE
17 CASH FUND	50,000	50,000	-0-
18 PROGRAM TOTAL	50,000	50,000	-0-

19 The Game and Parks Commission is hereby authorized to
20 make emergency repairs statewide to hatcheries, wildlife management
21 areas, refuges, and other facilities related to fish and wildlife
22 management with the appropriation to this program.

23 Sec. 18. AGENCY NO. 33 - GAME AND PARKS COMMISSION

24 Program No. 977 - Nongame-Endangered Species

	FY2009-10	FY2010-11	FUTURE
--	-----------	-----------	--------

LB 314

LB 314

1	CASH FUND	200,000	-0-	-0-
2	PROGRAM TOTAL	200,000	-0-	-0-

3 The Game and Parks Commission is hereby authorized to
4 acquire and develop wildlife lands for the benefit of nongame and
5 endangered species and public use facilitation statewide.

6 Sec. 19. AGENCY NO. 33 - GAME AND PARKS COMMISSION

7 Program No. 981 - Aquatic Habitat Enhancement and
8 Restoration

9		FY2009-10	FY2010-11	FUTURE
10	CASH FUND	3,000,000	3,000,000	-0-
11	PROGRAM TOTAL	3,000,000	3,000,000	-0-

12 The Game and Parks Commission is hereby authorized
13 to enhance and rehabilitate aquatic habitat statewide with the
14 appropriation to this program.

15 Sec. 20. AGENCY NO. 33 - GAME AND PARKS COMMISSION

16 It is the intent of the Legislature that the Game and
17 Parks Commission shall apply for and make maximum use of federal
18 funding on all capital construction projects which are eligible
19 for such assistance. It is the intent of the Legislature that all
20 funds appropriated to the Game and Parks Commission for capital
21 construction projects shall only be spent for the purpose of the
22 original appropriation.

23 Sec. 21. AGENCY NO. 46 - DEPARTMENT OF CORRECTIONAL
24 SERVICES

25 Program No. 913 - Security Systems Upgrade

LB 314

LB 314

	FY2009-10	FY2010-11	FUTURE
1			
2 GENERAL FUND	1,855,000	1,500,000	1,500,000
3 PROGRAM TOTAL	1,855,000	1,500,000	1,500,000

4 The Department of Correctional Services is hereby
5 authorized to upgrade security system components at various
6 Department of Correctional Services Facilities statewide.

7 It is intended that the following projects be undertaken
8 with funds appropriated to this program:

9 Replace Perimeter Security Lights on the Old Campus -
10 Nebraska Correctional Center for Women

11 Replace Perimeter Security Fencing on Old Campus -
12 Nebraska Correctional Center for Women

13 Replace Perimeter Detection System - Lincoln Correctional
14 Center/Diagnostic and Evaluation Center

15 Install Rooftop Security Fence Above Front Entrance -
16 Lincoln Correctional Center

17 Install Rooftop Security Fence Above Entrance -
18 Diagnostic and Evaluation Center

19 Perimeter Fencing Upgrade between Entrance and Tower 1 -
20 Diagnostic and Evaluation Center

21 Replace Razor Ribbon on Exterior Security Fence - Omaha
22 Correctional Center

23 Install Exterior Security Lights - Community Corrections
24 Center at Omaha

25 Replace Exterior Security Lights - Nebraska State

1 Penitentiary

2 Control Center Modifications in Building A for Department
3 of Correctional Services Inmate Population - Work Ethic Camp

4 Closed Circuit Surveillance Camera Improvements - Various
5 Facilities

6 Sec. 22. AGENCY NO. 47 - NEBRASKA EDUCATIONAL
7 TELECOMMUNICATIONS COMMISSION

8 Program No. 911 - Digitization (DTV) Equipment and
9 Satellite Bandwidth Replacement

	FY2009-10	FY2010-11	FUTURE
11 NEBRASKA CAPITAL	4,692,327	-0-	-0-
12 CONSTRUCTION FUND			
13 PROGRAM TOTAL	4,692,327	-0-	-0-

14 The Legislature hereby acknowledges and reaffirms
15 the directive made by Laws 1999, LB 878, section 30, which
16 authorizes the Nebraska Educational Telecommunications Commission
17 (NETC) to digitize the NETC transmission signal and to replace
18 satellite transponder capacity. This project should be completed
19 in FY2009-10.

20 (1) On or before August 31, 2010, any funds appropriated
21 from the State Building Fund and the Nebraska Capital Construction
22 Fund for the digitization equipment project and the satellite
23 transponder capacity replacement project held in the state treasury
24 and held by the trustee which are not necessary to meet the terms
25 of any long-term financing agreements entered into pursuant to this

1 section shall be transferred to the General Fund.

2 (2) The commission may expend funds appropriated to
3 Program 533 to meet incidental administrative expenses associated
4 with the digitization equipment project and the satellite
5 transponder capacity replacement project. The commission may also
6 expend federal funds and private gifts and donations for the same
7 purposes.

8 (3) It is the intent of the Legislature that the Nebraska
9 Educational Telecommunications Commission submit quarterly reports
10 with regard to the costs and associated funding of the digitization
11 equipment project as contained in Program 911, according to the
12 procedures established by the Chief Information Officer (CIO).

13 Sec. 23. AGENCY NO. 47 - NEBRASKA EDUCATIONAL
14 TELECOMMUNICATIONS COMMISSION

15 Program No. 923 - Public Media Project II

	FY2009-10	FY2010-11	FUTURE
16 NEBRASKA CAPITAL	114,000	-0-	-0-
17 CONSTRUCTION FUND			
18 PROGRAM TOTAL	114,000	-0-	-0-

19
20 The Nebraska Educational Telecommunications Commission is
21 hereby authorized to implement Phase 2 of the Public Media Project
22 by adding software and storage components that will complement the
23 communications technology redesign at the Capitol and NETC.

24 Sec. 24. AGENCY NO. 50 - BOARD OF TRUSTEES OF THE
25 NEBRASKA STATE COLLEGES

1	Program No. 919 - State College Facilities Program			
2		FY2009-10	FY2010-11	FUTURE
3	GENERAL FUND	1,125,000	1,125,000	10,125,000
4	REVOLVING FUND est.	1,200,000	1,200,000	10,800,000
5	PROGRAM TOTAL	2,325,000	2,325,000	20,925,000

6 The Legislature hereby acknowledges and reaffirms the
7 directive made by Laws 2006, LB 605, sections 5, 6, and 7, which
8 authorizes the Board of Trustees of the Nebraska State Colleges
9 to make expenditures from the State College Facilities Program
10 exclusively for deferred maintenance, repair, and renovation
11 projects outlined in section 6 of LB 605.

12 Sec. 25. AGENCY NO. 50 - BOARD OF TRUSTEES OF THE
13 NEBRASKA STATE COLLEGES

14	Program No. 920 - Board Facilities Fee Fund Projects			
15		FY2009-10	FY2010-11	FUTURE
16	REVOLVING FUND est.	957,340	957,340	8,616,060
17	PROGRAM TOTAL	957,340	957,340	8,616,060

18 The Legislature hereby acknowledges and reaffirms
19 provisions of section 85-328 which authorize amounts accumulated in
20 the State College Facility Fee Fund to be expended for the purpose
21 of paying the cost of capital improvement projects approved by the
22 Board of Trustees of the Nebraska State Colleges for facilities on
23 campuses or lands owned or controlled by the board.

24 Sec. 26. AGENCY NO. 51 - UNIVERSITY OF NEBRASKA

1 Program No. 906 - System Facilities Fee Fund Projects

2		FY2009-10	FY2010-11	FUTURE
3	CASH FUND est.	5,200,000	-0-	-0-
4	PROGRAM TOTAL	5,200,000	-0-	-0-

5 The Legislature hereby acknowledges and reaffirms the
6 directive made by Laws 1998, LB 1100, sections 3 and 4, which
7 authorizes the Board of Regents of the University of Nebraska to
8 complete various renewal and renovation projects on all university
9 campuses with the appropriation to this program.

10 Sec. 27. AGENCY NO. 51 - UNIVERSITY OF NEBRASKA

11 Program No. 920 - University of Nebraska Facilities
12 Program

13		FY2009-10	FY2010-11	FUTURE
14	GENERAL FUND	11,000,000	11,000,000	99,000,000
15	CASH FUND est.	5,800,000	11,000,000	94,632,546
16	PROGRAM TOTAL	16,800,000	22,000,000	193,632,546

17 The Legislature hereby acknowledges and reaffirms the
18 directive made by Laws 2006, LB 605, sections 2, 3, and 4,
19 which authorizes the Board of Regents to make expenditures from
20 appropriated funds for the University of Nebraska Facilities
21 Program exclusively for deferred maintenance, repair, renovation,
22 facility renovation, and facility replacement projects as outlined
23 in section 3 of LB 605.

24 Sec. 28. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE
25 SERVICES

1	Program No. 901 - State Capitol Improvements			
2		FY2009-10	FY2010-11	FUTURE
3	NEBRASKA CAPITAL	1,000,000	1,000,000	2,000,000
4	CONSTRUCTION FUND			
5	PROGRAM TOTAL	1,000,000	1,000,000	2,000,000

6 (1) The State Capitol Administrator is hereby authorized
7 to undertake projects identified within the Master Plan for
8 the Conservation and Restoration of the Nebraska State Capitol.
9 Prior to expending any amounts appropriated in this section, the
10 State Capitol Administrator shall identify projects planned to be
11 undertaken with such amounts and shall submit such plans to the
12 Nebraska Capitol Commission for approval. There is included in
13 the appropriation to this program \$1,000,000 for FY2009-10 and
14 \$1,000,000 for FY2010-11 from the Nebraska Capital Construction
15 Fund for such purpose. Of the amount appropriated for FY2009-10,
16 not less than \$150,000 shall be allocated for conservation and
17 restoration of other Capitol space occupied by the Legislature. Of
18 the amount appropriated for FY2010-11, not less than \$150,000 shall
19 be allocated for conservation and restoration of other Capitol
20 space occupied by the Legislature.

21 (2) In addition to amounts appropriated in this section
22 for FY2009-10 and FY2010-11, it is intended that \$1,000,000 be
23 appropriated from the Nebraska Capital Construction Fund for
24 this program for each of FY2011-12 and FY2012-13 to undertake
25 projects identified within the Master Plan for the Conservation and

1 Restoration of the Nebraska State Capitol. Of such amounts to be
 2 appropriated, not less than \$150,000 each year shall be allocated
 3 for conservation and restoration of Capitol space occupied by the
 4 Legislature.

5 Sec. 29. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE
 6 SERVICES

7 Program No. 913 - Parking Expansion

	FY2009-10	FY2010-11	FUTURE
8 REVOLVING FUND	2,169,630	-0-	-0-
10 PROGRAM TOTAL	2,169,630	-0-	-0-

11 The Legislature hereby acknowledges and reaffirms the
 12 directive made by Laws 1996, LB 1189, section 53, which authorized
 13 the Department of Administrative Services to construct two
 14 additional levels of parking to the state's east garage in Lincoln
 15 and one additional level of parking to the state's south garage
 16 in Lincoln, along with related repair and restoration items, and
 17 which authorized the state building division of the Department of
 18 Administrative Services to enter into contracts with the city of
 19 Lincoln or any person, firm, or corporation in order to construct
 20 such additional parking and to proceed with financing the project
 21 for a period not to exceed twenty years.

22 There is included in the appropriation to this program
 23 for FY2009-10 \$2,169,630 from the Capitol Buildings Parking
 24 Revolving Fund to be applied toward retirement of remaining
 25 obligations entered into to finance the projects.

1 Sec. 30. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE
2 SERVICES

3 Program No. 920 - Executive Office Building and Parking
4 Facility Purchase

	FY2009-10	FY2010-11	FUTURE
6 REVOLVING FUND	1,624,360	-0-	-0-
7 PROGRAM TOTAL	1,624,360	-0-	-0-

8 The Legislature hereby acknowledges and reaffirms the
9 directive made by Laws 1999, LB 878, section 54, which authorized
10 the Department of Administrative Services to purchase the Executive
11 Office Building and the parking facility located at the corner of
12 13th and K Streets in Lincoln, Nebraska. The department was further
13 authorized to enter into a contract or contracts with such entity
14 or entities as necessary to facilitate financing the purchase.

15 There is included in the appropriation to this program
16 for FY2009-10 \$1,624,360 from the State Building Revolving Fund to
17 be applied toward retirement of remaining obligations entered into
18 to finance the project.

19 Sec. 31. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE
20 SERVICES

21 Program No. 933 - Acquisition of Property within and in
22 close proximity to the Capitol Environs District

	FY2009-10	FY2010-11	FUTURE
24 NEBRASKA CAPITAL	-0-	13,080,000	-0-

1 CONSTRUCTION FUND

2 PROGRAM TOTAL -0- 13,080,000 -0-

3 (1) The Legislature hereby acknowledges and reaffirms the
 4 directive made by Laws 2007, LB 320, section 45, which authorized
 5 the Department of Administrative Services to purchase property
 6 located within the Nebraska State Capitol Environs District, or in
 7 proximity to it, as such property becomes available. The Department
 8 of Administrative Services is also authorized to enter into
 9 long-term financial agreements in order to acquire such property.
 10 Prior to finalization of any long-term financing agreements, the
 11 Governor's approval shall be obtained. Such long-term agreements
 12 shall not extend beyond June 30, 2014. There is included in the
 13 appropriation to this program for FY2010-11 \$10,928,000 from the
 14 Nebraska Capital Construction Fund for such purpose.

15 (2) The Department of Administrative Services is hereby
 16 authorized to expend up to \$2,100,000 for purposes authorized
 17 in subsection (3) of this section. There is included in the
 18 appropriation to this program for FY2010-11 \$2,100,000 from the
 19 Nebraska Capital Construction Fund for purposes authorized in
 20 subsection (3) of this section.

21 (3) In addition to the purchase of property, the
 22 Department of Administrative Services may use the additional
 23 interest earnings to purchase moveable and fixed equipment, pay
 24 for moving costs associated with moving agencies into any building

25 which is acquired, pay for rental expenses associated with moving
 1 agencies into any building which is acquired, and defray any
 2 miscellaneous associated costs of moving agencies into any building
 3 which is acquired.

4 Sec. 32. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE
 5 SERVICES

6 Program No. 935 - Nebraska Public Safety Communication
 7 System Towers and Network Equipment Financing

	FY2009-10	FY2010-11	FUTURE
9 GENERAL FUND	1,027,233	1,027,233	2,054,466
10 PROGRAM TOTAL	1,027,233	1,027,233	2,054,466

11 The unexpended State Building Fund appropriation balance
 12 existing on June 30, 2009, is hereby reappropriated as General
 13 Funds.

14 The Legislature hereby acknowledges and reaffirms the
 15 directive made by Laws 2007, LB 320, section 46, which authorized
 16 the Chief Information Officer to enter into a master lease
 17 financing agreement through the Department of Administrative
 18 Services for costs of radio towers and network equipment associated
 19 with implementing the Nebraska Public Safety Communication System.
 20 Total project costs may change as user partners are added to the
 21 system, but the State of Nebraska portion of the System Towers
 22 and Network Equipment Project cost, including financing, shall not
 23 exceed \$10,680,754.

24 There is included in the total appropriation to this

25 program for FY2008-09 \$3,051,644 from the General Fund for costs
 1 of radio towers and network equipment and to initiate repayment of
 2 project financing.

3 There is included in the appropriation to this program
 4 for FY2009-10 \$1,027,233 from the General Fund for costs of radio
 5 towers and network equipment and to initiate and continue repayment
 6 of project financing.

7 There is included in the appropriation to this program
 8 for FY2010-11 \$1,027,233 from the General Fund for costs of radio
 9 towers and network equipment and to initiate and continue repayment
 10 of project financing.

11 It is the intent of the Legislature to appropriate
 12 \$1,027,233 from the General Fund each fiscal year thereafter
 13 through FY2013-14 for costs of radio towers and network equipment
 14 and to complete repayment of project financing.

15 Sec. 33. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE
 16 SERVICES

17 Program No. 939 - State Capitol Complex

	FY2009-10	FY2010-11	FUTURE
18			
19 NEBRASKA CAPITAL	6,809,014	-0-	-0-
20 CONSTRUCTION FUND			
21 PROGRAM TOTAL	6,809,014	-0-	-0-

22 The Legislature hereby acknowledges and reaffirms the
 23 directives made by Laws 1997, LB 386, section 55, which authorized
 24 the State Capitol Masonry Restoration project. The Legislature

25 further acknowledges and reaffirms provisions of the Nebraska
 1 State Capitol Preservation and Restoration Act which assign
 2 responsibility for administration of the project to the Office of
 3 the Nebraska Capitol Commission.

4 There is included in the appropriation to this program
 5 for FY2009-10 \$6,809,014 from the Nebraska Capital Construction
 6 Fund to complete the project. The project should be completed in
 7 FY2010-11.

8 Sec. 34. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE
 9 SERVICES

10 Program No. 940 - Task Force for Building Renewal

	FY2009-10	FY2010-11	FUTURE
11 CASH FUND	24,620,618	27,205,151	58,485,468
12 PROGRAM TOTAL	24,620,618	27,205,151	58,485,468

14 The Legislature hereby acknowledges and reaffirms the
 15 directive made by section 77-2602, which is to place amounts from
 16 the special privilege tax on cigarettes in the Building Renewal
 17 Allocation Fund for FY1997-98 and continuing each fiscal year until
 18 all the purposes of the Deferred Building Renewal Act have been
 19 fulfilled.

20 The appropriation to this program is for the purpose of
 21 carrying out the provisions of the Deferred Building Renewal Act
 22 which includes deferred repair, fire and life safety projects,
 23 and compliance with the federal Americans with Disabilities Act
 24 (ADA) of 1990. Funds may also be spent on projects related to

25 energy conservation. There is hereby appropriated any available
1 federal funds, plus investment income thereon, for this program
2 for FY2009-10 and FY2010-11. There is included in the appropriation
3 to this program for FY2009-10 an amount not to exceed \$200,000
4 cash funds and for FY2010-11 an amount not to exceed \$200,000
5 cash funds to conduct maintenance, life safety, ADA, and energy
6 conservation seminars, to develop preventive maintenance programs,
7 and to perform roof scans and other testing related to the
8 completion of the projects.

9 The funds appropriated in this section for actual
10 deferred repair, fire and life safety, compliance with the federal
11 Americans with Disabilities Act of 1990, and energy conservation
12 shall be matched by federal, private, and agency General, Cash,
13 and Revolving Funds as determined by the Task Force for Building
14 Renewal.

15 None of the funds appropriated to this program shall be
16 used for operating budget compliance with the federal Americans
17 with Disabilities Act of 1990. Expenditures for deferred repair,
18 fire and life safety projects, and compliance with the federal
19 Americans with Disabilities Act of 1990 may be made through
20 the same program on the Allotment Status Report in the Nebraska
21 Information System, except that expenditures for deferred repair,
22 fire and life safety projects, and compliance with the federal
23 Americans with Disabilities Act of 1990 should each be kept
24 separate by subprogram on the Budget Status Report in the Nebraska

25 Information System or through the use of the Grant Project Status
1 Report or some other accounting mechanism.

2 Sec. 35. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE
3 SERVICES

4 Program No. 980 - Utility Improvements - Department of
5 Health and Human Services - Statewide

	FY2009-10	FY2010-11	FUTURE
7 REVOLVING FUND	1,600,000	-0-	-0-
8 PROGRAM TOTAL	1,600,000	-0-	-0-

9 The Department of Administrative Services is hereby
10 authorized to make infrastructure improvements to all Department
11 of Health and Human Services campuses and Administrative
12 Services/State Building Division Campuses with the appropriation
13 to this program.

14 It is intended that the largest of the proposed projects
15 would be the connection of Building 16 at the Norfolk Regional
16 Center to the City of Norfolk Water System.

17 Sec. 36. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE
18 SERVICES

19 Program No. 981 - Norfolk Regional Center - Central
20 Heating Plant

	FY2009-10	FY2010-11	FUTURE
22 REVOLVING FUND	750,000	825,000	-0-
23 PROGRAM TOTAL	750,000	825,000	-0-

24 The Department of Administrative Services is hereby
 1 authorized to replace the existing heating plant on the north
 2 edge of the Norfolk Regional Center with a new heating plant
 3 adjacent to Building 16. The new plant will be sized to support
 4 only Building 16.

5 Sec. 37. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE
 6 SERVICES

7 Program No. 982 - State Capitol Elevators

	FY2009-10	FY2010-11	FUTURE
8 NEBRASKA CAPITAL	1,000,000	892,479	-0-
10 CONSTRUCTION FUND			
11 PROGRAM TOTAL	1,000,000	892,479	-0-

12 The State Capitol Administrator is hereby authorized to
 13 modernize and upgrade the four passenger elevators in the State
 14 Capitol tower with new elevator systems.

15 There is included in the appropriation to this program
 16 for FY2009-10 \$1,000,000 from the Nebraska Capital Construction
 17 Fund and for FY2010-11 \$892,479 from the Nebraska Capital
 18 Construction Fund to complete this project.

19 Sec. 38. There is hereby appropriated, unless otherwise
 20 specified, for FY2009-10 and for FY2010-11 from undisbursed
 21 balances existing on June 30, 2009, and on June 30, 2010,
 22 respectively, to each agency for each program from the respective
 23 funds for capital construction as follows:

24 (1) Agency No. 25 - Department of Health and Human

25 Services

1 Program Nos. 906, 922, 923, 924, and 931.

2 (2) Agency No. 27 - Department of Roads

3 Program No. 901, except that the unobligated biennium
4 appropriation balance shall lapse once all projects funded in
5 that biennium are completed, postponed to a future biennium, or
6 indefinitely postponed.

7 (3) Agency No. 28 - Department of Veterans' Affairs

8 Program No. 937 - Alliance State Veterans' Cemetery.

9 (4) Agency No. 31 - Military Department

10 Program Nos. 905, 906, 910, and 925.

11 (5) Agency No. 33 - Game and Parks Commission

12 Program Nos. 900, 901, 902, 919, 924, 955, 960, 961, 969,
13 971, 972, 973, 975, 976, 977, 979, 981, and 983, except that for
14 FY2009-10 only the undisbursed balances existing on June 30, 2009,
15 for the following programs and projects shall be reappropriated and
16 all other unobligated June 30, 2009, balances shall lapse:

17 Program No. 900 - State Park System Facility Improvements
18 and Motor Boat Access Facilities

19 Program No. 901 - State Facilities Deferred Maintenance

20 Program No. 902 - Trail Development Assistance

21 Program No. 919 - Political Subdivisions Aid

22 Program No. 924 - Wildlife Land Acquisitions and
23 Improvements, less \$323,041.64 of unobligated Federal Fund
24 appropriation authority

25 Program No. 955 - Youth Outdoor Skill Training

1 Program No. 960 - Park and Recreation Land Acquisition,
2 including the purchase of land for a new maintenance facility to
3 replace the facility located at 30th and Y Streets in Lincoln

4 Program No. 961 - Lewis and Clark Commemorative Special
5 Projects

6 Program No. 969 - State Recreation Areas

7 Program No. 971 - Wildlife Management Areas -
8 Improvements

9 Program No. 972 - Administrative Facilities -
10 Improvements

11 Program No. 973 - Fish production

12 Program No. 975 - Emergency Repairs - Park System

13 Program No. 976 - Emergency Repairs to Fish and Wildlife
14 Facilities

15 Program No. 977 - Nongame and Endangered Species Land
16 Acquisition and Development

17 Program No. 979 - Cowboy Trail - Emergency Repairs and
18 Deferred Maintenance, provided that deferred repair projects may be
19 addressed from the unobligated construction appropriations in this
20 program

21 Program No. 981 - Aquatic Habitat - Improvements

22 Program No. 983 - Buffalo Soldier Barracks.

23 (6) Agency No. 46 - Department of Correctional Services

24 Programs Nos. 915, 916, 918, and 920.

25 (7) Agency No. 47 - Nebraska Educational
1 Telecommunications Commission

2 Program Nos. 925 and 926.

3 (8) Agency No. 50 - Board of Trustees of the Nebraska
4 State Colleges

5 Program Nos. 919, 920, 921, 945, 946, 951, 952, 993,
6 and 996, and any additional construction programs administratively
7 created relating to the Board of Trustees of the Nebraska State
8 Colleges and its campuses which are funded through cash funds,
9 federal funds, revolving funds, or private gifts or donations.

10 (9) Agency No. 51 - University of Nebraska

11 Program Nos. 901, 902, 903, 905, 907, 908, 909, 912,
12 915, 917, 918, 920, 922, 925, 927, 928, 933, 934, 935, 937, 942,
13 943, 944, 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 958,
14 959, 960, 962, 964, 965, 966, 967, 968, 969, 970, 973, 974, 975,
15 976, 978, 980, 982, 983, 985, 989, 990, 992, 993, 994, and 997,
16 and any additional construction programs administratively created
17 relating to the University of Nebraska-Lincoln, the University
18 of Nebraska at Omaha, the University of Nebraska Medical Center,
19 the University of Nebraska at Kearney, the Nebraska College of
20 Technical Agriculture at Curtis, and the University of Nebraska
21 Central Administration which are funded through cash funds, federal
22 funds, revolving funds, or private gifts or donations.

23 (10) Agency No. 54 - Nebraska State Historical Society
24 Program No. 954.

25 (11) Agency No. 65 - Department of Administrative
1 Services

2 Program Nos. 901, 913, 920, 932, 933, 935, 939, 940, 980,
3 981, and 982.

4 Appropriations to program numbers pertaining to funding
5 for the Deferred Building Renewal Act are hereby reappropriated.

6 The budget division of the Department of Administrative
7 Services is hereby authorized to implement the appropriation of
8 unexpended balances existing on June 30, 2009, such that unexpended
9 State Building Fund balances are reappropriated for FY2009-10 as
10 General Funds.

11 Sec. 39. FEDERAL FUNDS

12 Any federal funds not otherwise appropriated, any
13 additional federal funds made available to the credit of the
14 State Treasurer, and any unexpended balances in federal funds
15 on the operative date of this act are hereby appropriated and
16 reappropriated to the agency and project for which the funds were
17 allocated by the federal government.

18 Sec. 40. GIFTS AND BEQUESTS

19 Any gifts or bequests made available to the State of
20 Nebraska for any purpose or purposes, together with the income
21 thereof, shall be allocated to the expending agency designated by
22 the donor or, if none is designated by such donor, by the Governor.
23 No matching of state funds shall be required as a condition to
24 accept any gift or bequest. All gifts or bequests of personal

25 property in excess of \$10,000 shall be approved by the Governor
1 before acceptance, and all gifts or devises of real property in
2 excess of \$10,000 to be used for state purposes shall be approved
3 by the Governor and the Legislature before acceptance.

4 Expenditures from gifts or bequests may be expended
5 through any cash fund accounts, in which case the actual amount of
6 the gift or bequest is hereby appropriated to the expending agency
7 for the purpose or purposes designated by the donor and in addition
8 to the amounts appropriated in this act.

9 This section shall not apply to the University of
10 Nebraska.

11 Sec. 41. The One Hundred First Legislature acknowledges
12 that Article III, section 22, of the Constitution of Nebraska
13 provides that each Legislature shall make appropriations for
14 the expenses of the government. Consistent with this provision,
15 any appropriations enacted by prior Legislatures for fiscal
16 years beginning after June 30, 2009, are null and void unless
17 specifically reaffirmed by this Legislature.

18 Sec. 42. This act becomes operative on July 1, 2009.

19 Sec. 43. Since an emergency exists, this act takes effect
20 when passed and approved according to law.